



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

OCT 14 2004

Honorable Steve Shivers
Commissioner
Alabama Department of Rehabilitation Services
2129 East South Boulevard
Post Office Box 11586
Montgomery, Alabama 36111-0586

Dear Commissioner Shivers:

The purpose of this letter is to respond to the Alabama Department of Rehabilitation Services' (ADRS's) April 29, 2004 submission of its Federal Fiscal Year (FFY) 2002 Annual Performance Report (APR) for the Individuals with Disabilities Education Act (IDEA) Part C funds used during the grant period July 1, 2002 through June 30, 2003.¹ The APR reflects actual accomplishments during the reporting period as compared to established objectives. The APR for IDEA is designed to provide uniform reporting from States and result in high-quality information across States.

The APR is a significant data source utilized in the Continuous Improvement and Focused Monitoring System (CIFMS) implemented by the Office of Special Education Programs (OSEP), within the U.S. Department of Education. The APR falls within the third component of OSEP's four-part accountability strategy (i.e., supporting States in assessing their performance and compliance, and in planning, implementing, and evaluating improvement strategies) and consolidates the self-assessing and improvement planning functions of the CIFMS into one document. OSEP Memorandum 03-6 (regarding the submission of Part C APRs) directed States to address the following five cluster areas in their Part C APRs: General Supervision; Comprehensive Public Awareness and Child Find System; Family Centered Services; Early Intervention Services in Natural Environments; and Early Childhood Transition.

Background

The State did not identify any areas of noncompliance in its 2001 Self-Assessment or June 2002 Part C Improvement Plan (IP). In its December 9, 2002 response to the IP, OSEP informed the State that data in its Self-Assessment indicated noncompliance with the transition conference planning requirements of 34 CFR §303.148(b)(2)(i), and directed the State to implement the strategies in its IP and demonstrate correction within one year from the date of OSEP's letter.

¹ Alabama elected to use its State fiscal year (SFY) 2003 (October 1, 2002 through September 30, 2003) as the reporting period for the FFY 2002 APR that it submitted on April 29, 2004. Similarly, the State used its SFY 2002 as the reporting period for the FFY 2001 APR that it submitted on June 24, 2003. Accordingly, OSEP uses SFY 2002 and SFY 2003, respectively, to describe the time period for monitoring and other data that the State reported respectively in those two APRs.

In July 2003, OSEP conducted a visit to Alabama to verify its systems for general supervision and data collection and reporting under section 618 of the IDEA. During the visit, ADRS acknowledged that, for a small number of local programs, it had not been successful in ensuring correction of noncompliance within a year. In its September 30, 2003 letter regarding the verification visit, OSEP asked that ADRS keep OSEP informed concerning its progress in ensuring correction in those programs.

The State's APR should reflect the collection, analysis and reporting of relevant data, and document data-based determinations regarding performance and compliance in each of the cluster areas. This letter responds to the State's FFY 2002 APR, and OSEP's comments are listed by cluster area.

General Supervision

In its March 2004 letter responding to the State's FFY 2001 APR, OSEP informed the State that it was important that ADRS include data regarding its effectiveness in ensuring correction of persistent noncompliance in its FFY 2002 APR. On pages 5-7 of the General Supervision cluster in its FFY 2002 APR, the State provided data showing that: (1) ADRS conducted follow-up monitoring reviews of local programs in which it found noncompliance; (2) it found through these follow-up reviews that most local programs corrected the noncompliance within three months; and (3) a few programs had more systemic compliance issues and took up to six months or a year to come into compliance, but that it had not been necessary to impose formal sanctions to enforce compliance. The State must continue to report on its efforts to ensure compliance and performance related to its monitoring system in the next APR.

In Attachment 1, the State reported that it received no formal Part C complaints, due process hearing requests or mediation requests during the reporting period.² On pages 9-10 of the General Supervision cluster, ADRS reported that it tracked informal contacts from parents, and included a summary of the issues and concerns from parents and others. On pages 9-11, ADRS described strategies it used to resolve conflicts without need for formal dispute resolution.

On page 23, ADRS reported that all local programs monitored during the reporting period were in compliance with the State's personnel standards, and that the numbers of temporary, provisional or emergency certifications for early intervention personnel were within the limits established by the State Interagency Coordinating Council (SICC). On pages 23 and 24, ADRS stated that, through collaboration with institutions of higher education, the State strengthened the service delivery system by providing a broader base of disciplines to ensure that qualified providers are delivering special instruction services.

On pages 25-28, the State described its procedures for ensuring data accuracy and its new web-based data-system, and enumerated a number of future activities for the next reporting period to

² As with other States with few Part C complaints and due process hearing requests, OSEP reviewed the State's prior notice/parent rights and consent documents, required pursuant to 34 CFR §303.403, to determine whether these documents included all of the required information regarding complaints and due process hearings and whether any lack of required notice content might be a factor in the lack of complaints and due process hearing requests. OSEP has provided its analysis of the State's prior notice documents under separate cover.

fully implement the new system and use it to generate: (1) Federal data reports, (2) reports for the SICC Financial Planning Subcommittee, (3) monitoring and other reports for analysis of compliance and performance, and (4) ongoing improvements to the data system. OSEP looks forward to the State's report in the next APR on its efforts to ensure compliance and improve performance in this cluster area.

Comprehensive Public Awareness and Child Find System

In its March 2004 letter, OSEP stated that the State's FFY 2001 APR did not include any data for that reporting period or analysis of the effectiveness of the State's public awareness and child find efforts in ensuring the identification, evaluation and assessment of all eligible children in a timely manner. OSEP informed the State of its expectation that, as part of its improvement planning efforts and in reporting in the FFY 2002 APR, the State would collect, analyze, and report to OSEP relevant data, and make data-based determinations regarding the implementation of its public awareness and child find activities (which analysis could include: (1) disaggregating and comparing referral and child count data by referral source, program, high and low-referring counties, etc.; and (2) analyzing monitoring data).

On pages 1-11 of the Child Find cluster in its FFY 2002 APR, ADRS included: (1) referral data and referral source trend data from SFY 2001 through SFY 2003; (2) December 1 child count data from SFY 2002 and SFY 2003, disaggregated by county and by State fiscal agents for the local programs; (3) a description and data regarding various types of public awareness and outreach activities provided by the seven Early Intervention District Offices and local programs; (4) monitoring data regarding local programs' compliance with the public awareness and child find indicators; and (5) a description of public awareness activities that the State implemented across three years (showing a significant increase from year to year). On pages 7-9, the State reported that District Early Intervention staff and local programs targeted public awareness outreach activities toward: (1) physicians and related medical service personnel, (2) counties serving less than two percent of its birth to three population, and (3) the Hispanic community, including families and potential referral sources. On page 8, the State further reported that ADRS received a total of 1,218 referrals from the medical community in SFY 2003, an increase of 177 from SFY 2002, and that ADRS required District Coordinators to demonstrate an increase in referrals from counties that were serving less than two percent of its birth-to-three population. On page 9, the State reported data showing that there was an increase of referrals of Hispanic children from 89 in SFY 2002 to 110 in SFY 2003, and in the total number of Hispanic children served, from 44 in SFY 2002 to 54 in SFY 2003.

On page 8, the State indicated it was developing a spreadsheet to capture referral data and data regarding public awareness outreach activities performed by Early Intervention District Coordinators and local programs, to analyze the impact of public awareness and child find activities and to develop future plans in this regard, but that no data were available during the reporting period to analyze the actual impact of such public awareness outreach activities, disaggregated by type(s) of activity, to draw State-wide conclusions regarding the actual effectiveness of the State's public awareness and child find systems and efforts to ensure the identification and evaluation of all eligible children in a timely manner.

On pages 9-12, the State set forth a number of activities, including utilizing the new web-based data system and continuing collaborative efforts with other State agencies and entities, to make the State's child find and public awareness outreach activities more targeted and effective in increasing the number of infants and toddlers who are identified, evaluated, and served under Part C. The State's public awareness and child find strategies appear to be results-oriented, and OSEP encourages the State to continue its work to improve performance in this area. OSEP looks forward to the State's report in the next APR on its efforts to ensure compliance and improve performance in this cluster area.

Family Centered Services

The State's FFY 2001 APR did not include any data for the reporting period or analysis of the effectiveness of the State's efforts to ensure family centered services. In its March 2004 response to the State's FFY 2001 APR, OSEP stated its expectation that, as part of its improvement planning efforts and in reporting in the FFY 2002 APR, the State would collect, analyze, and report to OSEP relevant data, and make data-based determinations regarding family centered services. OSEP provided the following examples of types of baseline data: (1) the types or numbers of family support services provided; (2) results from monitoring of family assessments; and (3) results from monitoring individualized family service plans (IFSPs), containing statements of the family's resources, priorities, and concerns related to enhancing the development of the child.

On pages 1-9 of the Family Centered Services cluster in its FFY 2002 APR, ADRS described: (1) the ways in which it involved parents in the evaluation, assessment, and IFSP processes; (2) guidance, incentives, and other ongoing supports to encourage families to participate in early intervention training and workshops, and other activities at the local, District, and State levels (e.g., in the Parent-to-Parent Network and Partners in Policymaking); and (3) ADRS's Technical Assistance Program (TAP), a specially-funded project providing family members in each of the seven Districts to serve as a resource for families, disability, advocacy and community information. ADRS included monitoring and family satisfaction survey data on pages 2-3 and 6-8, related to parent involvement in the evaluation and IFSP processes, the protection of parents' procedural safeguards, and the provision of family supports and services. The APR described how ADRS reviews IFSPs as part of its monitoring process to ensure: (1) that family concerns are carried into outcome statements and guide intervention; (2) that parents are knowledgeable about programs, services and supports that will enhance the family's capacity to impact their child's development; and (3) compliance and improved performance in regard to family centered services.

ADRS articulated a number of activities, such as revising the family satisfaction survey to measure whether families consider their early intervention experiences to be helpful in increasing their capacity to enhance their child's development and utilizing its new web-based data system, to tabulate data regarding families indicating positive outcomes from their participation in the State's early intervention system. The State included strategies to ensure and enhance the provision of family centered services, and OSEP encourages the State to continue its work to improve performance in this cluster area. OSEP looks forward to the State's report in the next APR on its efforts to ensure compliance and improve performance in this cluster area.

Early Intervention Services in Natural Environments

In its March 2004 letter, OSEP encouraged the State to provide, as part of its FFY 2002 APR, baseline data concerning whether: (1) service coordinators were carrying out all of their roles and responsibilities; (2) evaluations and assessments led to the identification of all child needs and family needs and supports related to enhancing the development of the child; and (3) all needed services were identified on IFSPs and provided in accordance with the IFSP and Part C requirements. In addition, OSEP requested that the State provide updated data from the State's new web-based system regarding the 45-day timeline to complete the evaluation and assessment process and convene an initial IFSP meeting, along with information on any efforts and activities to maintain compliance in this area. OSEP also requested that the State's FFY 2002 APR include data on the percentage of children participating in the Part C program that demonstrated improved and sustained functional abilities in the developmental areas listed in 34 CFR §303.322(c)(3)(ii).

On pages 3-12 of this cluster of the FFY 2002 APR, ADRS indicated that its monitoring reviews addressed all required aspects of early intervention services in natural environments, including those relating to service coordination, evaluation and assessment, eligibility, IFSPs, required timelines, and the provision of services.

Part C requires that, within 45 days from referral, the Lead Agency must complete the evaluation and assessment, and convene an initial IFSP meeting (34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a)). On page 6, the State reported that: (1) the evaluation and IFSP development process exceeded the 45-day timeline for 116 of 1,381 referrals, from October 1, 2003 to February 15, 2004; (2) the files for 27 of these 116 cases included documentation of exceptional circumstances; (3) ADRS personnel provided technical assistance to programs not meeting the 45-day timeline, and required the programs to implement corrective actions; and (4) the capability to run the 45-day timeline report became available in April 2004, and the new web-based data system will allow ADRS to "drill down" into its data to determine specific problems, enhancing the capability of the monitoring process to address 45-day timeline issues. The State must report in the next APR, due March 31, 2005, on its progress in ensuring full compliance with Part C's 45-day timeline requirement.

On page 3, ADRS reported that it monitors for compliance with Part C requirements related to service coordination, and provided a narrative summary of its monitoring findings related to those requirements. The State did not, however, provide specific data as to the number (if any) of providers that it found out of compliance with those requirements. The State must provide more specific monitoring data regarding the extent to which service coordinators are fulfilling their roles and responsibilities, pursuant to 34 CFR §303.23(a)(2) and (b), in its FFY 2003 APR, due March 31, 2005.

On pages 6-8, the State reported that its monitoring process addressed, and implemented corrective actions where indicated, for: (1) the qualifications of personnel conducting and interpreting early intervention evaluations throughout the State; (2) the provision of evaluations

in all areas of development; and (3) the provision of evaluations in the native language or other mode of communication of the family.

On page 9, the State included monitoring data indicating that the State found 18 of 20 providers that it monitored in SFY 2003 in compliance with requirements relating to the: (1) initiation of early intervention services as soon as possible after IFSP development (34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1)); (2) IFSP including individualized services to meet the unique needs of the child with no generalized patterns of service delivery evident (34 CFR §303.344(d)); and (3) timely review of IFSPs (34 CFR §§303.342(b) and (c)). In the FFY 2003 APR, due March 31, 2005, the State must report on progress in ensuring full compliance with these requirements.

The State included data on page 11 showing that 86% of infants and toddlers received services in the home or in programs with typically developing children in December 2002. On page 11, the State reported that the following percentages of the IFSPs that ADRS monitors reviewed either indicated that services would be provided in natural environments or included a justification for providing services in other settings: (1) SFY 2001, 84%; (2) SFY 2002, 94%; and (3) SFY 2003, 100%. The State also included family satisfaction survey data on page 11 that indicated that nearly all respondents rated their service coordinator as good to excellent in assisting them in receiving services and supports in natural environments.

The Part C FFY 2001 and FFY 2002 APRs requested data on the percentage of children participating in the Part C program that demonstrated improved and sustained functional abilities (in the developmental areas listed in 34 CFR §303.322(c)(3)(ii)). On pages 13 and 14, ADRS reported that: (1) it did not have a system in place to collect outcome data to report to OSEP in response to this performance indicator; (2) data from a new IFSP rating system for families to evaluate outcomes for their child would be available at the end of SFY 2004, and could be tracked through the State's new web-based data system; (3) ADRS would gather best practice information related to effective methods for measuring improved and sustained functional abilities to improve its current method of collecting this information; and (4) the data system would be used to collect data regarding the family's evaluation of their child's progress in each area of delay. In the FFY 2003 APR, Alabama must submit either responsive data, if available, (whether collected through sampling, monitoring, IFSP review, or other methods), targets for improved performance and strategies to achieve those targets for this area, or an update of its plan to collect the data for the FFY 2004 APR, including a detailed timeline of the activities necessary to implement that plan.

Early Childhood Transition

As documented in OSEP's December 2002 letter, the State's IP included data indicating that ADRS was not in compliance with the requirement, at 34 CFR §303.148(b)(2)(i), that in the case of a child who may be eligible for preschool services under Part B and with the approval of the family, the Lead Agency must convene a conference among the Lead Agency, the family, and the local educational agency at least 90 days, and at the discretion of the parties, up to 6 months, before the child is eligible for the preschool services, to discuss any services that the child may receive. In that December 2002 letter, OSEP accepted the State's strategies, and directed the

State to implement those improvement strategies and provide evidence of change, no later than December 9, 2003, demonstrating that the State had corrected the noncompliance.

The State's November 2003 Progress Report included data showing that 93% of the records that ADRS monitored with regard to early childhood transition documented a transition meeting at least 90 days prior to the child's third birthday. In its March 2004 letter, OSEP noted that those data did not provide clear documentation that the State had fully corrected the transition-related noncompliance, and directed the State to provide such documentation in the next APR, and to: (1) explain why the breakdown of the data from the programs in the May 23, 2003 progress report included four programs that had indications of "NA" or "unknown," (2) provide data from the seven (or possibly 11, depending on the reason for the indications of "NA" or "unknown") programs with prior transition conference compliance findings; and (3) explain what the State was doing to follow up on those seven (or possibly 11) programs to determine the cause of the low percentages, and to ensure compliance in those programs.

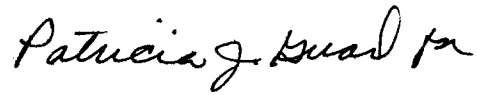
The State included data and analysis in the FFY 2002 APR that demonstrated its progress in correcting the noncompliance with 34 CFR §303.148(b)(2)(i). On page 2, the State provided data showing that six of the seven programs that it had found in noncompliance with transition requirements had corrected the noncompliance, and the seventh program had closed. (The State clarified, on page 2, that the two programs the State had identified as "NA" were not serving any Part C children during the reporting period, and the two programs identified as "unknown" were not monitored when the report was written.) The State also included data, on page 3 of this cluster, showing that it had found 10 of the 11 programs that it monitored between October 1, 2003 and April 8, 2004 to be in compliance with Part C transition requirements. The State must continue to report in the next APR, due March 31, 2005, progress in ensuring full compliance with this requirement and the status of correction of the one program monitored between October 1, 2003 and April 8, 2004 found to be out of compliance.

Conclusion

As noted above, the State must, in its FFY 2003 APR, due March 31, 2005, continue to report on its progress in ensuring full compliance with the requirements regarding: (1) Part C's 45-day timeline (34 CFR §§303.321(e), 303.322(e), and 303.342(a)); (2) the provision of early intervention services listed on the IFSP, including initiation of services as soon as possible after IFSP development (34 CFR §§303.340(c), 303.342(e) and 303.344(f)(1)), and IFSP individualization of services (34 CFR §303.344(d)); (3) the six-month and annual reviews of IFSPs (34 CFR §303.342(b) and (c)); and (4) timely transition conference planning (34 CFR §303.148(b)(2)(i)). Also, in the next APR, due March 31, 2005, the State must provide specific monitoring data regarding the extent to which service coordinators are fulfilling their roles and responsibilities, pursuant to 34 CFR §303.23(a)(2) and (b). In addition, in the FFY 2003 APR, Alabama must also include either responsive data (if available) on the percentage of children participating in the Part C program that demonstrated improved and sustained functional abilities in the developmental areas listed in 34 CFR §303.322(c)(3)(ii) (whether collected through sampling, monitoring, IFSP review, or other methods), targets for improved performance and strategies to achieve those targets for this area, or an update of its plan to collect the data for the FFY 2004 APR, including a detailed timeline of the activities necessary to implement that plan.

OSEP recognizes that the APR and its related activities represent only a portion of the Part C work in Alabama, and we look forward to collaborating with you as you continue to improve results for infants and toddlers with disabilities and their families. If you have questions, please contact your OSEP Part C State Contact, John Edwards, at (202) 245-7333.

Sincerely,

A handwritten signature in black ink that reads "Stephanie Smith Lee". The signature is written in a cursive style with a large initial 'S'.

Stephanie Smith Lee
Director
Office of Special Education Programs

cc: Elizabeth D. Prince
Part C Coordinator